

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Jeromy Lee Fry,

Plaintiff(s),

vs.

Commissioner of Social Security,

Defendant(s).

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Case Number: 1:11cv657

Chief Judge Susan J. Dlott

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on November 16, 2012 a Report and Recommendation (Doc. 10). Subsequently, the defendant filed objections to such Report and Recommendation (Doc. 11).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation should be adopted.

Accordingly, the decision of the Commissioner to deny Plaintiff DIB benefits is **REVERSED** and this matter is **REMANDED** under sentence four of 42 U.S.C. § 405(g).

On remand, the ALJ is instructed to:

1. properly assess and evaluate the opinion evidence, and provide a clear explanation for the conclusions reached;

2. Reevaluate whether plaintiff's impairments meet or equal listing 12.06
3. Properly consider plaintiff's credibility in accordance with agency regulations.

This case is **TERMINATED** from the docket.

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court